

REMARKS

Amendments to claims 1, 5, 8, 9, 13, 16, 17, 21, and 24 are to incorporate a limitation from a dependent claim. No new matter has been added.

Applicants wish to thank the Examiner for the telephonic interview on November 28, 2005. During the telephonic interview, claims 1, 5, 8, 9, 13, 16, 17, 21, and 24 were discussed.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 4, 9, 12, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,085,333 (DeKonig) in view of U.S. Patent No. 6,438,704 (Harris). Claims 17, 20, and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DeKoning and Harris in view of U.S. Patent No. 6,003,061 (Jones). Claims 3, 5-8, 11, 13-16, 19, and 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DeKoning, Harris and Jones, and further in view of U.S. Patent No. 6,263,359 (Fong).

Claims 1, 8, 9, 16, 17, and 24

Independent claims 1, 9, and 17 have been amended to recite an activity limit comprising *an active session limit that represents a limit on a number of active session* (Emphasis added). Claims 8, 16, and 24 have been amended to recite a similar limitation. Applicants agree with the Examiner that DeKonig does not disclose or suggest an activity limit. According to the Office Action, the abstract, column 2, lines 29-36, column 4, lines 6-11, and figure 6 of Harris allegedly disclose limiting CPU usage. The Examiner has indicated in the telephonic interview that he is referring the CPU usage limit disclosed in Harris as an “activity limit.”

Applicants have amended the claims to recite “an active session limit”, which, as discussed with the Examiner, is a narrower limitation than “an activity limit”. Since Harris discloses CPU usage limit, and not an active session limit, it is respectfully submitted that the amendments have overcome the § 103 rejections.

In addition, none of the cited references discloses or suggests an active session limit *that represents a limit on a number of active session*, as recited in the claims. For example, the CPU

usage limit disclosed in Harris represents a limit on an amount of CPU usage, and therefore, does not “represent” a limit on a number of active session.

For at least the foregoing reasons, claims 1, 8, 9, 16, 17, and 24, and their respective dependent claims, are believed allowable over DeKonig, Harris, Jones, Fong, and their combination.

Claims 5, 13, and 21

Claims 5, 13, and 21 have been amended to recite *a configurable value representing a first number of active sessions* that the first resource consumer group is allowed to have running on a computer system (Emphasis added). None of the cited references discloses or suggests such configurable value. For example, while Harris discloses a CPU usage limit, such CPU usage limit does not “represent” a number of active sessions which is allowed to be run by a resource consumer group on a computer system. For at least the foregoing reason, claims 5, 13, and 21, and their respective dependent claims, are believed allowable over DeKonig, Harris, Jones, Fong, and their combination.

CONCLUSION

Based on the foregoing, all remaining claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7010984002. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7010984002.

Respectfully submitted,
Bingham McCutchen LLP

Dated: December 6, 2005

By: 

Gerald Chan
Reg. No. 51,541

Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4960
Facsimile: (650) 849-4800